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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606.896	06/27/2003	Gordon Bruce Scarth	TR-161-US	6588

29382 7590 03/26/2007  
TROPIC NETWORKS INC.  
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CANADA

EXAMINER
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OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,896	<b>Applicant(s)</b> SCARTH, GORDON BRUCE	
	<b>Examiner</b> Ramy M. Osman	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to application filed on June 27, 2003. Claims 1-13 are pending examination.

### ***Drawings***

2. The drawings filed on 6/27/2003 are acknowledged. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,8,9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of "arranging the groups of alarms in the direction of the path" is vague and unclear. The limitation is abstract and cannot ascertain its meaning.
5. Claims 1,8,9 recites the limitation "the direction" in line 12 of claim 1. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 1 recites the limitation "said network entity" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-13 rejected under 35 U.S.C. 102(e) as being anticipated by Vittal (US Patent No 6,810,496).**

9. In reference to claim 1, Vittal teaches a method for describing a problem in a network, comprising:

selecting a subset of alarms associated with a service, said service having a unique identifier and being carried by a path in the network, said network including a number of network entities, the subset of alarms being selected from a list of alarms in the network (column 12 lines 54-62 and column 13 lines 1-10);

grouping the selected subset of alarms in a number of groups, each group being associated with said network entity (column 12 line 63 – column 13 line 15);

arranging the groups of alarms in the direction of the path of the service in the network (column 12 line 63 – column 13 line 15);

and

transforming each alarm in each group of the selected subset of alarms into a problem description for the service (column 6 lines 19-26).

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10. In reference to claim 2, Vittal teaches a method as described in claim 1, further comprising the step of providing a corrective procedure for one of the some and all alarms from the groups of the selected subset of alarms (column 6 lines 60-67).

11. In reference to claim 3, Vittal teaches a method as described in claim 1, wherein the network entities carrying the service comprise one or more of the following physical location types: a node, a bay, a quadrant, a slot, a card and a port (column 3 lines 35-55).

12. In reference to claim 4, Vittal teaches a method as described in claim 1, wherein the step of grouping the selected subset of alarms comprises grouping the selected subset of alarms by one of the network entities carrying the service (column 12 line 54 – column 13 line 15).

13. In reference to claim 5, Vittal teaches a method as described in claim 1, wherein the step of grouping the selected subset of alarms comprises grouping the selected subset of alarms by one or more of the network entities carrying the service (column 12 line 54 – column 13 line 15).

14. In reference to claim 6, Vittal teaches a method as described in claim 1, wherein the step of transforming each alarm further comprises the step of forming one or more templates, a template including text substitution markers (column 6 lines 19-27 & 60-67).

15. In reference to claim 7, Vittal teaches a method as described in claim 6, wherein the text substitution markers correspond to network entities (column 6 lines 19-27 & 60-67).

16. In reference to claim 8, Vittal teaches a method as described in claim 1, wherein the step of arranging the groups of alarms comprises arranging the groups of alarms in the direction of the path from the beginning of the path to the end of the path (column 12 line 64 – column 13 line 10).

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17. In reference to claim 9, Vittal teaches a method as described in claim 1, wherein the step of arranging the groups of alarms comprises arranging the groups of alarms in the direction of the path from the end of the path to the beginning of the path (column 12 line 64 – column 13 line 10).

18. In reference to claim 10, Vittal teaches a method as described in claim 1, wherein the type of problem comprises one or more of the following types of problems: a missing channel identification alarm; an unexpected channel identification alarm; a loss of signal alarm; and a channel power out of range alarm (column 9 lines 1-10 & 59-65).

19. In reference to claim 11, Vittal teaches a method as described in claim 1, wherein the description is a verbal description (column 9 lines 1-10 & 59-65).

20. In reference to claim 12, Vittal teaches a method as described in claim 11, wherein the description is an English description (column 9 lines 1-10 & 59-65).

21. In reference to claim 13, Vittal teaches a method as described in claim 1, wherein the description is a pictorial description (column 12 lines 56-60).

### *Conclusion*

22. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO  
February 1, 2007

  
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